

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:13-cv-00022-RLV**

LENORA A. SMITH,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,¹)
Acting Commissioner of Social Security,)
)
Defendant.)
_____)

**ORDER OF REMAND AND
ENTRY OF FINAL JUDGMENT**

THIS MATTER is before the Court on Plaintiff Smith’s Motion for Summary Judgment (Doc. 12) and Defendant Commissioner’s Consent Motion for Reversal and Remand (Doc. 14).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in social-security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the Commissioner’s request to remand this action, it is ordered that the case be remanded to the Administrative Law Judge (“ALJ”). On remand, the ALJ is instructed to do the following: (1) provide Plaintiff with an opportunity to submit additional evidence; (2) reconsider her residual functional capacity, and in so doing, further evaluate the opinion evidence from her treating physician; (3) evaluate the state disability decision pursuant to Social Security Ruling 06-03p; (4) further evaluate her subjective complaints, considering the factors set out in Social Security Ruling 96-7p; (5) seek supplemental vocational expert testimony, if warranted, to determine

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as Defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

whether there is a significant number of jobs in the national economy that she can perform; and
(6) provide her an opportunity for a new hearing and a new decision.

IT IS, THEREFORE, ORDERED that Defendant Commissioner's Motion for Reversal and Remand (Doc. 14) be **GRANTED**. This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. 12) be **DENIED** as moot. The Court enters final judgment for Plaintiff in this matter.

Signed: August 21, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

